

REMARKS

Summary of Office Action

Claims 1-27 are pending in this application. Claims 22-27 were withdrawn from consideration pursuant to a restriction requirement.

The Examiner rejected claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by Cooper U.S. Patent No. 4,568,336 (hereinafter “Cooper”).

The Examiner rejected claims 10-21 under 35 U.S.C. § 103(a) as being obvious from Cooper in view of Sarnoff et al. U.S. Patent No. 4,755,169 (hereinafter “Sarnoff”).

Summary of Applicant’s Reply

Please change the Attorney Docket from “008306-0304853” to 11201-735-999.

Applicant has amended independent claims 1 and 10 to more precisely define the invention.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Rejections of Claims 1-9 Under 35 U.S.C. § 102(b)

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cooper.

These rejections are respectfully traversed.

Amended independent claim 1 is directed to a needle and hub assembly comprising a first hub portion “having a forward section extending through the opening in the wall and defining a needle-receiving channel through the opening in the wall” of the cap.

Cooper does not have a first hub portion having such a forward section or a needle-receiving channel through the opening in the wall. Cooper’s plug cover 22, which the Examiner equated to applicant’s first hub portion, does not extend through opening 29 of cap 27. Also, plug cover 22 does not have a needle-receiving channel that extends through opening 29 of cap 27.

Cooper therefore does not anticipate amended independent claim 1, which should now be allowable.

For at least these reasons, dependent claims 2-9, which depend directly or indirectly from independent claim 1, should now also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Moreover, dependent claim 2 requires the first and second hub portions to be fused. Cooper in no way indicates that holding assembly 33, which the Examiner equated to applicant’s second hub portion, is fused to plug cover 22. In particular, and as shown in Cooper’s FIG. 5, securing elements 38 of holding assembly 33 have outwardly projecting barbs 40 that “grasp or engage the top inner edge of the aluminum protective cap” (Cooper column 4, lines 60-61; emphasis added). Nothing in Cooper indicates or suggests that holding assembly 33 and plug cover 22 are fused together. Thus, Cooper also does not anticipate claim 2 for this reason.

Accordingly, applicant respectfully requests that the rejections of claims 1-9 under 35 U.S.C. § 102(b) be withdrawn.

Rejections of Claims 10-21 Under 35 U.S.C. § 103(a)

Claims 10-21 were rejected under 35 U.S.C. §103(a) as being obvious from the combination of Cooper and Sarnoff.

These rejections are respectfully traversed.

Sarnoff was cited to show an automatic injector with a housing, cartridge, and actuation assembly. Accordingly, Sarnoff does not make up for the deficiencies of Copper as discussed above with respect to applicant's claim 1.

Therefore, amended independent claim 10, which also requires a first hub portion having a forward section extending through the opening in the cap wall and a needle-receiving channel through the opening in the wall, is not obvious from the combination of Cooper and Sarnoff and should thus be allowable.

For at least this reason, dependent claims 11-21, which depend directly or indirectly from independent claim 10, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

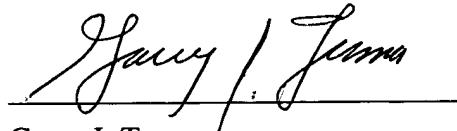
And dependent claim 11, which requires the first and second hub portions to be fused, is also not obvious from the combination of Cooper and Sarnoff for at least the same reason as dependent claim 2.

Accordingly, applicant respectfully requests that the rejections of claims 10-21 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-21 are allowable. Therefore, subject to the disposition of withdrawn claims 22-27, this application is in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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